

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

MAACO FRANCHISING, LLC,)	CIVIL ACTION NO.
)	3:16-cv-155-GCM
Plaintiff,)	
vs.)	
)	ORDER AND DEFAULT
JEFFREY R. BOENSCH, LORI J.)	JUDGMENT AGAINST
BOENSCH, and RONALD E. EASON,)	DEFENDANTS, JEFFREY R.
)	BOENSCH, LORI J. BOENSCH,
Defendants.)	<u>AND RONALD E. EASON</u>

Plaintiff, Maaco Franchising, LLC (“Maaco”), moves this Court for Entry of Default Judgment Against Defendants, Jeffrey R. Boensch, Lori J. Boensch, and Ronald E. Eason (together, the “Defendants”), for Defendants’ failure to plead or otherwise defend this action in the time prescribed by the Federal Rules of Civil Procedure and the Local Rules for the District Court of the Western District of North Carolina. The Clerk of Court, upon the application of Maaco, and pursuant to Rule 55(a), Federal Rules of Civil Procedure, entered default against Defendants on July 22, 2016. (Doc. Nos. 22, 23, and 24).

Attached to its Motion, Maaco provided the Declaration of Mr. Matt Kushy, Maaco’s Director of Financial Operations, which provided Defendants’ indebtedness to Maaco amounts to the principal sum of \$356,701.94, costs of \$1,035.00 and interest thereon. (Doc. No. 26 Attachment 2). Defendants’ indebtedness is based on Defendants’ default under the Franchise Agreement by failing to pay Maaco amounts due and owing under the Franchise Agreement, including past royalties, advertising contributions, and other amounts due, as well as lost future franchise royalties and lost future advertising contributions—reduced to present value—for which the Clerk of Court defaulted Defendants on July 22, 2016. (Doc. Nos. 22, 23, and 24).

After reviewing the Motion for Default Judgment and Memorandum of Law in Support, this Court finds Maaco's claim against Defendants is for a sum certain which has been satisfactorily proved by way of Mr. Kushi's Declaration. (Doc. No. 26 Attachment 2).

IT IS, THEREFORE, ORDERED that Maaco's Motion for Default Judgment (Doc. No. 26), is GRANTED. IT IS FURTHER ORDERED, ADJUDGED, and DECREED that Plaintiff, Maaco, whose address is 440 South Church Street, Suite 700, Charlotte, North Carolina 28203, recover from the Defendants, Jeffrey R. Boensch, whose address is 4370 N. Michigan Avenue, Saginaw, Michigan 48604, Lori J. Boensch, whose address is 4370 N. Michigan Avenue, Saginaw, Michigan 48604, and Ronald E. Eason, whose address is 404 S. Coast Highway, Oceanside, California 92054, jointly and severally, the sum of \$356,701.94, plus costs totaling \$1,035.00, pre-judgment interest through September 28, 2016 totaling \$19,156.32, and post-judgment interest at the rate of 8% thereafter, compounded annually, all for which let execution issue forthwith, pursuant to N.C. Gen. Stat. § 24-1, until the entire amount is paid in full.

IT IS SO ORDERED.

Signed: September 29, 2016



Graham C. Mullen
United States District Judge

